

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

933H0493

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 168** - 02/05/2002

Introduced by: Senator Greenfield and Representative Begalka

1 FOR AN ACT ENTITLED, An Act to permit certain nonprofits to have a temporary on-sale
2 license.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of §§ 35-4-11 and 35-4-19, any municipality may issue a
7 special events temporary on-sale license in addition to any other licenses held by the special
8 events license applicant, if the licensee is recognized as an exempt organization under section
9 501(c)(19) of the United States Internal Revenue Code, as amended, and in effect on January 1,
10 2002, and the licensee holds a license within the municipality pursuant to subdivision 35-4-2(16).
11 No public hearing is required for the issuance of a license pursuant to this section if the individual
12 applying for the license holds an alcoholic beverage license in the municipality or holds an
13 operating agreement for a municipal alcoholic beverage license. Any license issued pursuant to
14 this section may be issued for a period of time, not to exceed two consecutive days, established
15 by the municipal governing body.



1 Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any license issued pursuant to section 1 of this Act shall be issued to the person and location
4 specified on the application and the licensee shall comply with the provisions of § 35-4-60.
5 However, if such license is issued in a municipality which holds a license pursuant to subdivision
6 35-4-2(5), the licensee may only dispense alcoholic beverages obtained through the municipal
7 off-sale establishment. Notwithstanding § 35-5-21.1, the fee provided for in this section shall be
8 retained by the municipal governing body issuing such license. Each application shall be
9 accompanied by the fee prior to consideration by the municipal governing body.